



# New byelaws for Cambridge Commons

1. A byelaw is a local law that is made by a statutory body, such as a local authority, under an enabling power conferred by an Act of Parliament. Byelaws are not normally considered to be a suitable regulatory mechanism in cases where there are express powers in primary legislation for dealing with an issue. It is for a local authority to decide the necessary and appropriate byelaws for its area.
2. Before they can come into force, byelaws must be confirmed by a Secretary of State. The Department for Environment, Food and Rural Affairs deals with applications from local authorities for confirmation of byelaws on common land and has published guidance notes and model byelaws to assist local authorities in this process. The Department for Communities and Local Government deals with byelaws relating to open spaces and has published comparable guidance and model byelaws. Local authorities are expected to consult any interested parties and consider their views before making byelaws.
3. The only byelaws in force for Cambridge Commons are those dated the 23<sup>rd</sup> October 1851 and 5<sup>th</sup> August 1880 (see Appendix 1) and those dated the 20<sup>th</sup> May 1969 (see Appendix 2). The first two go back to a bygone age - for example, any person gambling, betting, or playing with cards, dice, or any other article or who beats or shakes any carpet, rug, or mat on any of the Commons shall be fined £2. The third does no more than impose a £20 fine on any person feeding animals depasturing on the common lands. New byelaws could better regulate Cambridge Commons.

## Powers to make byelaws

4. Many national and local statutes empower local authorities to make byelaws in order to regulate their own common land and public open spaces. These powers deserve more detailed chronological study.

### **Commons Act 1876**

5. Under section 15 of this Act, owners of rights of pasture may "make byelaws and regulations for the prevention of or protection from nuisances or for keeping order on the regulated pasture, and for general management, occupation, and enjoyment of the regulated pasture".

### **Cambridge University and Corporation Act 1894**

6. Under section 20 of this Act, the Council may make byelaws for any of the following purposes relating to its Commons:
  - a) For preventing the digging or taking of turf loam stone sand gravel or other substances;
  - b) For preventing the injury or cutting of trees shrubs brushwood or other plants or for preventing injury or damage to any stream ditch or watercourse or to the banks thereof running by through or on the Common;
  - c) For preventing or regulating the deposit of or suffering to remain on any part of the Common any rubbish manure or other substance;
  - d) For regulating the playing of games and athletic sports and for setting apart from time to time certain Commons or parts of Commons upon which persons may play games or hold athletic sports and for prohibiting the use for the purposes aforesaid of any other Common or parts of a Common;
  - e) For preventing or regulating riding and driving on the Commons and the roads and footpaths on the Commons;
  - f) For regulating the use of baths wash-houses and lavatories and the charges to be made for such use;
  - g) For the prevention of or protection from nuisances and for preservation of order.

The Council used these powers to make the 1969 byelaws prohibiting the feeding of animals on common lands within the City (see Appendix 2).

### **Commons Act 1899**

7. The Commons Act 1899 conferred new powers for the management of common land to be vested in local authorities. Under section 1(1) of the Act a local authority "may make a scheme for the regulation and management of any common within their district with a view to the expenditure of money on the drainage, levelling, and improvement of the common, and to the making of byelaws and regulations for the prevention of nuisances and the preservation of order on the common".

### **Open Spaces Act 1906**

8. Under section 15 of this Act, a local authority may "with reference to any open space ... in or over which they have acquired any estate, interest, or control ... make byelaws for the regulation thereof ... for the preservation of order and prevention of nuisances therein, and may by such byelaws impose penalties recoverable summarily for the infringement thereof, and provide for the removal of any person infringing any byelaw by any officer of the local authority or police constable".

### **Law of Property Act 1925**

9. To safeguard common land, provisions were included in the Law of Property Act 1922 and subsequently consolidated in sections 193 and 194 of the Law of Property Act 1925. Section 194 was later repealed. Under section 193, rights of access to common land "shall be subject to any Act, scheme, or provisional order for the regulation of the land, and to any byelaw, regulation or order made thereunder or under any other statutory authority." The Minister can be asked to limit rights of access to common land so that it is not "injuriously affected, for conserving flora, fauna or geological or physiographical features of the land, or for protecting any object of historical interest" and "shall not include any right to draw or drive upon the land a carriage, cart, caravan, truck, or other vehicle, or to camp or light any fire thereon". Any person driving, camping or lighting a fire shall be liable on summary conviction to a fine not exceeding £20 for each offence.

### **Local Government Act 1972**

10. Under section 235 of this Act, a council may "make byelaws for the good rule and government of the whole or any part of the district ... and for the prevention and suppression of nuisances therein". But it goes on to say that local authorities should make byelaws under this power only when the issue they wish to address is not already covered by general legislation or a local Act and when it is not possible for them to make byelaws or take any other action under any other provision.

### **Cambridge City Council Act 1985**

11. Under section 3 of this Act the Council may:

- set apart any public open space or common and erect and maintain pavilions, buildings, works and conveniences for the purpose of games and recreation (restrictions apply in some cases);
- lease and make reasonable charges for the above space and facilities to any club or person subject to conditions;
- exclude the public and animals from the above space and facilities and authorise the lessee to make a reasonable access charge;
- make byelaws for the preservation of order and good conduct among persons using the above space and facilities.

12. These powers are extended under section 4 of the Act which empowers the Council to close the whole or part of any public open space or common together with any footpaths for any public purpose for up to six days but for no more than a total of 12 days in any one year. There are no byelaw making powers associated with this section in the Act.

13. Section 6 of the Act empowers the Council to regulate grazing, make associated byelaws, and deal with trespassing livestock on the Commons. It may:

- a) prescribe the procedure for the registration of commoners entitled to graze animals on that land in the following grazing season and make a reasonable charge for such registration;

- b) determine which commoners may graze animals on that land in the following grazing season and the number of animals each may graze;
- c) charge a reasonable sum for the exercise of grazing rights;
- d) prohibit the grazing on those lands of animals otherwise than in accordance with this section and any byelaws made thereunder;
- e) make byelaws for or in connection with their regulation of grazing on the land to which this section applies.

### **Countryside and Rights of Way Act 2000**

14. Under section 2 of this Act, any person is entitled to enter and remain on any common land for the purposes of open-air recreation, if and so long as he does so without breaking or damaging any wall, fence, hedge, stile or gate, and he observes restrictions including those listed in Schedule 2 of the Act. Under this Schedule, a person is not entitled to be on any common land if he:

- (a) drives or rides any vehicle other than an invalid carriage,
- (b) uses a vessel or sailboard on any non-tidal water,
- (c) has with him any animal other than a dog,
- (d) commits any criminal offence,
- (e) lights or tends a fire or does any act which is likely to cause a fire,
- (f) intentionally or recklessly takes, kills, injures or disturbs any animal, bird or fish,
- (g) intentionally or recklessly takes, damages or destroys any eggs or nests,
- (h) feeds any livestock,
- (i) bathes in any non-tidal water,
- (j) engages in any operations of or connected with hunting, shooting, fishing, trapping, snaring, taking or destroying of animals, birds or fish or has with him any engine, instrument or apparatus used for hunting, shooting, fishing, trapping, snaring, taking or destroying animals, birds or fish,
- (k) uses or has with him any metal detector,
- (l) intentionally removes, damages or destroys any plant, shrub, tree or root or any part of a plant, shrub, tree or root,
- (m) obstructs the flow of any drain or watercourse, or opens, shuts or otherwise interferes with any sluice-gate or other apparatus,
- (n) without reasonable excuse, interferes with any fence, barrier or other device designed to prevent accidents to people or to enclose livestock,
- (o) neglects to shut any gate or to fasten it where any means of doing so is provided, except where it is reasonable to assume that a gate is intended to be left open,
- (p) affixes or writes any advertisement, bill, placard or notice,
- (q) in relation to any lawful activity which persons are engaging in or are about to engage in on that or adjoining land, does anything which is intended by him to have the effect-(i) of intimidating those persons so as to deter them or any of them from engaging in that activity,(ii) of obstructing that activity, or(iii) of disrupting that activity,
- (r) without reasonable excuse, does anything which (whether or not intended by him to have the effect mentioned in paragraph (q)) disturbs, annoys or obstructs any persons engaged in a lawful activity on the land,
- (s) engages in any organised games, or in camping, hang-gliding or para-gliding, or
- (t) engages in any activity which is organised or undertaken (whether by him or another) for any commercial purpose.

Furthermore, a person is not entitled to be on any land if, during the period beginning with 1st March and ending with 31st July in each year, if he takes, or allows to enter or remain, any dog which is not on a short lead of not more than 2 metres and this is extended to the whole year if the dog is in the vicinity of livestock.

15. Section 17 of the Act empowers 'access authorities' to make byelaws:

- (a) for the preservation of order;
- (b) for the prevention of damage to the land or anything on or in it; and
- (c) for securing that persons exercising the right conferred by section 2(1) so behave themselves as to avoid undue interference with the enjoyment of the land by other persons;

relating to all or part of their common lands. The Act defines 'access authority' to be a local highway

authority although section 17(4)(b) effectively opens this to being the local authority responsible for the common land.

### **Commons Act 2006**

16. Part 3 of this Act contains provision to prohibit the carrying out of 'restricted works' on common land without the consent of the Secretary of State and makes provision about how consent may be obtained. It replaces section 194 of the Law of Property Act 1925. The 2006 Act defines 'restricted works' to be:

- (a) works which have the effect of preventing or impeding access to or over any land to which this section applies. This includes the erection of fencing, the construction of buildings and other structures, and the digging of ditches and trenches and the building of embankments.
- (b) works for the resurfacing of land which consist of the laying of concrete, tarmacadam, coated roadstone or similar material on the land (but not if they consist only of the repair of an existing surface of the land made of such material).

17. Section 50 of this Act amends Part I of the 1899 Act so as to update and broaden the purpose for which a scheme of management and regulation may be made, to confer additional powers in prescribing model schemes, to enable regulations to clarify the circumstances in which a scheme may be amended or revoked, and to update the power conferred on the authority to make byelaws in relation to a scheme. It states that:

- (1) A council which has made a scheme under this Part of this Act in relation to any common may make byelaws for the prevention of nuisances and the preservation of order on the common;
- (2) Sections 236 to 238 of the Local Government Act 1972 (which relate to the procedure for making byelaws, authorise byelaws to impose fines not exceeding level 2 on the standard scale, and provide for the proof of byelaws in legal proceedings) apply to all byelaws under this section.

## **The way ahead**

18. Owners of common land can draw on an abundance of legislative powers to make byelaws for the regulation of their Commons. The following [draft] byelaws build upon the Model Byelaws provided by central government, make use of good practice displayed by other local authority byelaws found on the Internet, and replace existing Cambridge byelaws.

### **Environmental Protection of Common Land**

19. The Model Byelaws, the existing Cambridge byelaws and those of other local authorities strive to protect the land, structures, plants, wildlife and watercourses of common land.

#### **Dumping and Removal of Substances**

20. It is usual to prohibit the unauthorised tipping, digging, cutting, or taking of any turf, sods, stone, gravel, sand, clay, soil or other substance on or from any common land. The *Refuse Disposal (Amenity) Act 1978* legislates against dumping and fly tipping. It is usual to require those authorised to dig, cut, or take any turf, sods, gravel, sand, clay, soil or other substance on or from the common land to effectually and properly fill up and make level every pit or hole with all due haste.

#### **Erection and Removal of Structures**

21. It is usual to prohibit the unauthorised erection, defilement, removal, displacement or defacement of any wall, fence, barrier, railing, post, seat, sign, notice board, ornament, ride, building or other structure within any common land. It is usual to require those authorised to erect any structure for a limited time period to take down and remove all such structure and effectually and properly fill up and make level every pit or hole at or before the expiration of such period.

#### **Watercourses**

22. It is usual to prohibit the unauthorised obstruction or diversion of the flow of any drain or watercourse and to prohibit the opening or shutting of any sluice or similar apparatus on any

common land. It is usual to prohibit the intentional, careless or negligent fouling or polluting of any waterway comprised in any common land.

### **Protection of Plants**

23. It is usual to prohibit the unauthorised removal, cutting, felling or injuring of any plant, flower bed, shrub or tree growing on any common land. It is usual to prohibit walking, running, riding or driving over any part of any common land set aside by the Council for the renovation of turf or for other landscaping purposes and indicated by a notice conspicuously displayed.

### **Protection of Wildlife**

24. It is usual to prohibit the killing, injuring, taking, molesting, or wilfully disturbing any animal, bird or fish or taking or injuring any egg or nest or engaging in hunting, shooting or fishing or the setting of traps or nets or the laying of snares on any common land. However, it is usual to allow licensed fishing.

## **Conduct of Persons on Common Land**

25. Defra expects byelaws to address, in general terms, behaviour which causes nuisance or danger to others but they should not be used to protect people from the consequences of their own actions. The Model Byelaws, the existing Cambridge byelaws and those of other local authorities strive to discourage anti-social and dangerous behaviour by those using common land. Government advice states that some of this behaviour might be covered by general legislation and is therefore not normally suitable to be controlled by byelaws. However, many local authorities have chosen to make their byelaws comprehensive even if they repeat what is covered by national or local statutes.

26. **Annoyance.** Violent and threatening behaviour is already covered under public order legislation. Nevertheless, it is common for local byelaws to prohibit behaviour that wilfully obstructs, disturbs, interrupts or annoys other people.

27. **Noise.** The Defra Model Byelaws prohibit the making of any noise which is so loud or so continuous or repeated as to give reasonable cause for annoyance to other persons.

28. **Gates.** It is common for local byelaws to call for the closing of gates on common land.

29. **Climbing.** It is common for local byelaws to minimise damage to trees, walls or fences by prohibiting climbing thereon.

30. **Aircraft.** The Defra Model Byelaws prohibit any aircraft, helicopter, hang-glider or hot-air balloon from landing or taking off from common land.

31. **Camping.** The Defra Model Byelaws prohibit the erection of a tent or use of a vehicle, caravan or any other structure on common land for the purpose of camping, except in a designated area where camping is permitted. Sections 77-79 of the *Criminal Justice and Public Order Act 1994* empower local authorities to direct unauthorised campers to leave the land and remove their vehicles and any other property. Local authorities need to be aware of the implications in this context of the *Human Rights Act 1998* and the *Race Relations (Amendment) Act 2000*.

32. **Fires.** The Defra Model Byelaws prohibit the lighting of fire on common land, except in a designated area and in such a manner as not to cause damage to the ground or danger to any person. The 1851/80 Byelaw 16 makes firelighting an offence.

33. **Urinating.** It is common for local byelaws to prohibit urination and defecation on common land. Such acts can cause health and safety problems and damage the Common.

34. **Metal detectors.** The Model Byelaws prohibit the use of any device designed or adapted for detecting or locating any metal or mineral in the ground. Digging up sensed items can cause damage to the Common.

35. **Firearms and fireworks.** It is common for local byelaws to prohibit the discharge of any firearm, air weapon, fireworks or explosive on any common land. The 1851/80 byelaw 24 reflects this. Further coverage is given in the *Firearms Act 1968*, the *Explosives Act 1875*, the *Health and Safety Act 1974*, the *Fireworks (Safety) Regulations 1997* (made under the *Consumer Protection Act 1987*), the *General Product Safety Regulations 1994*, the *Noise Act 1996* and *Fireworks Act 2003*.

36. **Missiles.** The Defra Model Byelaws prohibit the wilful, careless or negligent throwing, kicking, driving, pitching or use of any missile on any common land which is liable to cause danger, discomfort, or injury to any other person. The 1851/80 byelaw 24 reflects this.

37. **Kites and Model Aircraft.** The Model Byelaws prohibit the flying of any kite or model aircraft in such a manner as to cause a danger or annoyance to any other person. All flying of model aircraft in the United Kingdom is controlled by Article 64 of the Air Navigation order, issued by the Civil Aviation Authority, which states that “A person shall not recklessly or negligently cause or permit an aircraft to endanger any person or property”.

38. **Horse riding.** It is common for local byelaws to restrict horse riding on common land so as not to cause danger or annoyance to any other person.

39. **Feeding animals.** The existing 1969 byelaws 1, 2 and 4 ban the offer of food or drink of any kind to any animal depastured upon any common land.

40. **Dogs.** Cambridge City Council has adopted and enforces the *Dogs (Fouling of Land) Act 1996*, which makes it an offence for any one in charge of a dog to allow it to foul on any land within the City unless they clear it up. Under the *Clean Neighbourhoods and Environment Act 2005*, local authorities can make Dog Control Orders relating to:

- dog ban
- dog fouling
- dogs on leads
- putting and keeping a dog on a lead if directed to do so by an authorised officer
- restricting the number of dogs that can be taken onto land

Defra would expect byelaws made under section 17 of the *Countryside and Rights of Way Act 2000* (in respect of land which is shown as open country or registered common land on a conclusive map issued by Natural England under section 9 of that Act) to be used as a last resort. This is because paragraphs 4 and 5 of Schedule 2 to the CROW Act already requires dogs to be kept on a short lead when on such land between 1 March and 31 July each year, and at all times when in the vicinity of livestock.

41. **Litter.** This is already extensively covered by the *Environmental Protection Act 1990*, the *Environment Act 1995* and the *Clean Neighbourhoods and Environment Act 2005*. Nevertheless, it is common for local byelaws to prohibit the deposition or abandonment of refuse, rubbish, wood or soil on any common land. The 1851/80 byelaw 15 reflects this.

42. **Notices.** Fly-posting is an offence under section 224(3) of the *Town and Country Planning Act 1990* and the *Highways Act 1980* making it a criminal offence to display an advertisement in contravention of regulations. Advertisers can be fined up to £2,500 on conviction for this offence and in the case of a continuing offence £250 per day after a conviction. Nevertheless, it is common for local byelaws to prohibit the posting of any advertisement, bill, placard or notice upon any building, wall, fence, gate, door, pillar, post, noticeboard, tree, rock or stone on or enclosing any common land. The *Anti-social Behaviour Act 2003* allows Police Community Support Officers and those persons accredited under the community safety scheme to issue penalty notices to the individual who physically puts the fly-poster up.

43. **Bathing.** The Model Byelaws prohibit bathing or swimming in any waterway comprised in any common land, except in a designated area where bathing and swimming is permitted.

44. **Life saving equipment.** It is common for local byelaws to prohibit unwarranted interference with any life-saving appliance provided by the Council on any common land.

45. **Public shows, exhibitions and structures.** The Model Byelaws prohibit unauthorised participation in any show or exhibition or the setting up of any swing, roundabout or other like thing on any common land.

46. **Trading.** The Model Byelaws prohibit the exposure for sale or letting to hire, any service, commodity or article on common land.

### **Games on Common Land**

47. **Games.** The *Cambridge City Council Act 1985* allows the Council to set aside common land for the purpose of games and recreation. The *Countryside and Rights of Way Act 2000*, allows the Council to stop anyone disturbing, annoying or obstructing those playing organised games on common land.

48. Many local byelaws prohibit certain field sports and archery on common land for safety reasons. Skateboarding might be restricted for similar reasons. Many local byelaws prohibit the unauthorised sailing of any boat on any waterway comprised in any common land. It is for the Council to decide whether to have byelaws for these activities.

### **Grazing on Common Land**

49. Commoners have long had rights to grazing on Cambridge Commons. These rights were registered under the *Commons Registration Act 1965* and section 7 of the *Cambridge City Council Act 1985* and are shown in the following table:

<b>Common</b>	<b>Grazing from 1st April to 30th November in each year</b>
Coe Fen, Coe Fen Straits and New Bit	Cows, geldings and mares to a total of 20 beasts
Coldham's Common	Geldings, mares and cows to a total of 124 beasts
Empty Common	Mares, geldings and cows to a total of 5 beasts
Jesus Green	Geldings, mares and cows to a total of 17 beasts
Laundress Green	Horses, mares, geldings or cows of St Botolph's or St Mary-the-Less all the year on Sundays, Wednesdays and Fridays from sunset to sunrise to a total of 2 beasts
Midsummer Green	Geldings, mares and cows to a total of 20 beasts
Nutters or Fosters Close	Cows, geldings and mares to a total of 2 beasts
Queens' Green	Geldings, mares and cows to a total of 4 beasts
Sheep's Green	Dairy stock to a total of 20 beasts
Stourbridge Green	Geldings, entire horses and cows to a total of 53 beasts

50. Under section 6(2) of the *Cambridge City Council Act 1985*, the Council was given powers to change these grazing rights:

"The Council shall continue to have the power to regulate grazing on the land to which this section applies, and in particular but without prejudice to the generality of that power may –

- (a) prescribe the procedure for the registration of commoners entitled to graze animals on that land in the following grazing season and make a

- reasonable charge for such registration;
- (b) determine which commoners may graze animals on that land in the following grazing season and the number of animals each may graze;
- (c) charge a reasonable sum for the exercise of grazing rights;
- (d) prohibit the grazing on those lands of animals otherwise than in accordance with this section and any byelaws made thereunder;
- (e) make byelaws for or in connection with their regulation of grazing on the land to which this section applies."

Under section 6(3) of the same Act, the Council may detain and sell any animal that is found grazing on the common land without its consent (in accordance with section 7 of the *Animals Act 1971*).

51. There are existing byelaws in force that regulate grazing on Cambridge Commons. The oldest were made under the *Cambridge Corporation Act 1850* and are dated 1851 and 1880. Byelaws 17 and 18 therein state:

That there shall be opened and kept at the office of the Town Clerk a book or register in which shall be entered and kept an account of all animals proposed to be turned on any Common Pasture within the said Borough.

Every person turning or placing on any of the Commons ... any animal without having previously registered the same ... and paid yearly and every year ... a registration fee of 4s. for each animal ... shall be liable to a fine of forty shillings.

Byelaws 12, 11 and 10 make every person who:

shall put or depasture any animal upon any such Common Pasture and is not lawfully entitled so to do;

shall put or depasture upon any such Common Pasture any animal which, according to the custom of this Borough, ought not to be put or depastured thereon;

shall put or depasture any animal upon any such Common Pasture at any time during which such Common Pasture ought not, according to the custom of the Borough, to be so used

liable to a fine of 10 shillings. Byelaw 19 goes further and makes every person:

turning or placing on any Common Pasture ... more than 16 animals at one and the same time

liable to a fine of 40 shillings for each animal above that number. Byelaw 1 makes every person who:

shall put or depasture upon any Common Pasture, within this Borough, any animal having any infectious or contagious disorder or disease whatsoever

liable to the stiffest fine of £5.

52. Reference is made under the *Cambridge City Council Act 1985* to a second set of grazing byelaws dated 5th August 1880 but these cannot be traced. A third set of byelaws made under the *Cambridge University and Corporation Act 1894* and dated 20th May 1969 also cover grazing. Under byelaw 1 therein:

no person shall offer food or drink of any kind to any animal depastured upon any Common Land to which this byelaw applies

unless they be the owner of such animal or be a person especially authorised by him in that behalf. This byelaw applies to all the registered Cambridge Commons except Nutters or Fosters Close. Any person offending against this byelaw shall be liable on summary conviction to a fine not exceeding £20.

## Vehicles on Common Land

53. Section 193 of the *Law of Property Act 1925* makes it an offence for a person to drive on certain common land without lawful authority. It is open to the owner of the land to grant the authority that is needed for such driving not to constitute an offence. Section 34 of the *Road Traffic Act 1988* (which reflects provisions first contained in section 14 of the *Road Traffic Act 1930*) also prohibits the driving of motor vehicles on common land without lawful authority. Again, it is for the owner of the land to grant the authority. The owner may wish to consider questions of amenity when he is deciding whether or not to grant the required authority but he is not obliged to do so.

54. Driving restrictions might be eased for property owners whose sole means of vehicular access is across common land. The House of Lords ruled in 2004 (see *Bakewell Management Ltd v Brandwood and others*) that, provided the owner of common land could lawfully have granted permission for vehicular access, there was no bar on a property owner relying on their actual use of the land for access (even without the owner's express permission) to establish a prescriptive right to do so (under the *Prescription Act 1832*). The Land Registry can register prescriptive rights but it will require evidence of the actual use of the land for access over a period of at least 20 years.

55. Easements can be negotiated between a property owner and the land owner even if a prescriptive right cannot be claimed. Section 68 of the *Countryside and Rights of Way Act 2000* permits the grant of statutory easements for vehicular access over common land where it is currently an offence to drive a vehicle. Where the grant of an easement relates to the construction of a new access way (or where it is proposed to improve any existing access way), any works which involve the resurfacing of land on registered common land will require the consent of the Secretary of State under section 38 of the *Commons Act 2006*.

56. A vehicular right of way is not a right of parking. However, there is no general legislation prohibiting the parking of vehicles on common land. But it might be argued that the denial of access amounts to a prohibition on parking.

57. There are byelaws in force that regulate vehicles on Cambridge Commons. Byelaws dated 1851 and 1880 cover vehicular access and parking. Byelaw 9 states that:

Every person not lawfully authorised or permitted so to do who shall go upon, over, or across any such Common Pasture, with any cart or other carriage

have committed an offence and are liable for a fine of 20 shillings. Under byelaws 4 and 6:

Every person not lawfully authorised or permitted so to do, who shall ... place any caravan or carriage upon any such Common Pasture

Every person lawfully authorised or permitted to place any caravan or carriage upon any such Common Pasture for a limited period, who shall not, at or before the expiration of such period, remove from such Common Pasture such caravan or carriage

have also committed an offence and are liable to a fine of 40 shillings.

## **Appendix 1: Byelaws made on the 23<sup>rd</sup> October 1851 and 5<sup>th</sup> August 1880, presumably under the *Cambridge Corporation Act 1850***

### Cambridge City byelaws as to Commons

It is ordered that from and after the time when these Byelaws shall come into force and operation, every person who, within this Borough, shall commit any of the offences hereinafter mentioned, shall for every such offence be liable to pay the fines hereinafter respectively expressed (that is to say)-

1. Every person who shall put or depasture upon any Common Pasture, within this Borough, any animal having any infectious or contagious disorder or disease whatsoever

FIVE POUNDS.

2. Every person not lawfully authorised or permitted so to do, who shall dig or plough up any such Common Pasture, or any part thereof

FORTY SHILLINGS.

3. Every person lawfully authorised or permitted to dig up any such Common Pasture in order to take stone, gravel, or sand therefrom, who shall not, with all convenient speed thereafter, effectually and properly fill up and make level every pit or hole thereon made for the purpose of procuring therefrom such stone, gravel, or sand

FORTY SHILLINGS.

4. Every person not lawfully authorised or permitted so to do, who shall erect any tent, booth, or building, or place any caravan or carriage upon any such Common Pasture

FORTY SHILLINGS.

5. Every person lawfully authorised or permitted to erect any tent, booth, or building upon any such Common Pasture for a limited period, who shall not at or before the expiration of such period take down and remove from such Common Pasture such tent, booth, or building, and every part thereof, and, with all convenient speed thereafter, effectually and properly fill up and make level every pit or hole made on such Common Pasture for the erection thereon of such tent, booth, or building

FORTY SHILLINGS.

6. Every person lawfully authorised or permitted to place any caravan or carriage upon any such Common Pasture for a limited period, who shall not, at or before the expiration of such period, remove from such Common Pasture such caravan or carriage

FORTY SHILLINGS.

7. Every person who shall wilfully injure or destroy any tree, fence, bank, bridge, or gate, or obstruct or fill up or divert the water from any ditch upon any such Common Pasture

FORTY SHILLINGS.

8. Every person not lawfully authorised or permitted so to do, who shall take from or off any such Common Pasture, any part of the turf or soil thereof, or any dung or manure thereon being

TWENTY SHILLING.

9. Every person not lawfully authorised or permitted so to do who shall go upon, over, or across any such Common Pasture, with any cart or other carriage, or shall place or continue thereon any stone, bricks, lime, mortar, timber, building materials, road materials, spare soil, or rubbish whatsoever

TWENTY SHILLINGS.

10. Every person who shall put or depasture any animal upon any such Common Pasture at any time during which such Common Pasture ought not, according to the custom of the Borough to be so used

TEN SHILLINGS.

11. Every person who shall put or depasture upon any such Common Pasture any animal which, according to the custom of this Borough, ought not to be put or depastured thereon

TEN SHILLINGS.

12. Every person not lawfully entitled so to do, who shall put or depasture any animal upon any such Common Pasture

TEN SHILLINGS.

13. Every person removing or wilfully injuring or defacing the turf, or any tree, shrub, or flowers thereon, fence, seat, tree-guard, bridge, gate, notice-board, or any other property of the Corporation

FORTY SHILLINGS.

14. Every person who beats or shakes any carpet, rug, or mat on any of the Commons, except on Sheep's Green and that portion of Coe Fen lying near Stone bridge, and that portion of Midsummer Common lying beyond Butt Green, and in a line with Jesus Grove

FORTY SHILLINGS.

15. Every person who without permission shall place on any Common any offensive matters or things

FORTY SHILLINGS.

16. Every person burning on any Common any wood, brushwood, or other article

FORTY SHILLINGS.

17. That there shall be opened and kept at the office of the Town Clerk a book or register in which shall be entered and kept an account of all animals proposed to be turned on any Common Pasture within the said Borough.

18. Every person turning or placing on any of the Commons within this Borough any animal without having previously registered the same under Byelaw 17, and paid yearly and every year, to the Treasurer of the said Borough, a registration fee of 4s. for each animal so turned or placed on the said Commons, the said fee to become due and be paid on the First day of December in each year, or within seven days thereafter

FORTY SHILLINGS.

19. Every person turning or placing on any Common Pasture within the said Borough more than 16 animals at one and the same time, for each animal above that number

FORTY SHILLINGS.

20. Every person placing any animal on Parker's Piece within the said Borough (such Common being for purposes of recreation only)

FORTY SHILLINGS.

21. Any person gambling, betting, or playing with cards, dice, or any other article on any Common

FORTY SHILLINGS.

22. Any person interfering with, obstructing, or annoying any persons who by permission are playing or have made preparations for playing at cricket or other lawful games on any of the Commons

FORTY SHILLINGS.

23. Any person wilfully interfering with, obstructing, or annoying any of the Common Constables, or other Officers, or persons employed by the Corporation in the discharge of their duty

FORTY SHILLINGS.

24. Any person firing guns, pistols, using catapults or similar offensive weapons, throwing stones, sticks or other missiles, or doing anything which may endanger the public, or be deemed a nuisance, obstruction, or annoyance to the public on any Common

FORTY SHILLINGS.

**Appendix 2: Byelaws made on the 20<sup>th</sup> May 1969 under the *Cambridge University and Corporation Act 1894***

CITY OF CAMBRIDGE

Byelaw made under Section 20(G) of the Cambridge University and Corporation Act 1894 as to the feeding of Animals on Common Lands within the City

1. Subject as hereinafter provided no person shall offer food or drink of any kind to any animal depastured upon any Common Land to which this Byelaw applies.
2. Nothing in this Byelaw shall apply to the offering to any animal of food or drink by the owner of such animal or by a person especially authorised by him in that behalf.
3. This Byelaw shall apply to the following Common Lands within the City of Cambridge:-

Coldham's Common  
Stourbridge Green  
Midsummer Green or Jesus Green Butts Green  
Queen's Green  
Laundress Green  
Sheeps Green  
Coe Fen Coe Fen Straits New Bit  
Empty Common

4. Any person offending against this Byelaw shall be liable on summary conviction to a fine not exceeding Twenty pounds.

GIVEN Under the Corporate Seal of THE )  
MAYOR ALDERMEN AND CITIZENS OF ) L. S.  
THE CITY OF CAMBRIDGE this 20<sup>th</sup> )  
day of May 1969 )

John Elven  
Town Clerk

The Secretary of State this day confirmed the foregoing byelaw and fixed the date on which it is to come into operation as the first day of December, 1969.

Philip Woodfield  
An Assistant Under Secretary  
of State

L. S.

Home Office

Whitehall  
4 November 1969

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*Cambridge City Council*

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[draft] **BYELAWS FOR COMMONS**

Byelaws	Explanatory Notes
<b>PART 1 GENERAL</b>	
<p><b>General Interpretation</b> In these byelaws:</p> <p>"Council" means the Cambridge City Council;</p> <p>"Constabulary" means the Cambridgeshire Constabulary;</p> <p>"Conservators" means the Conservators of the River Cam;</p> <p>"common land" means all of the Cambridge common land first registered under the <i>Commons Registration Act 1965</i> and section 7 of the <i>Cambridge City Council Act 1985</i> and remaining so registered under Part 1 of the <i>Commons Act 2006</i>. These lands are:</p> <ul style="list-style-type: none"><li>(a) Coe Fen, Coe Fen Straits and New Bit (C/CL 64)</li><li>(b) Coldham's Common (C/CL 61)</li><li>(c) Empty Common (C/CL 63)</li><li>(d) Jesus Green (C/CL 76)</li><li>(e) Laundress Green (C/CL 67)</li><li>(f) Midsummer Green (C/CL 59)</li><li>(g) Nutters or Fosters Close (C/CL 66)</li><li>(h) Queens' Green (C/CL 62)</li><li>(i) Sheep's Green (C/CL 65)</li><li>(j) Stourbridge Green (C/CL 60)</li></ul> <p>"public open space" means land belonging to the Council or under their management and control, which land is held, managed or controlled by the Council for the purposes of section 164 of the <i>Public Health Act 1875</i> or for the purposes of open space under the <i>Open Spaces Act 1906</i>;</p> <p>"designated area" means an area which is set aside for a specified purpose, that area and its purpose to be indicated by notices placed in a conspicuous position;</p> <p>"waterway" means any river, lake, pool or other body of water and includes any fountain.</p> <p>"ball games" means any game involving throwing, catching, kicking, batting or running with any ball or other object</p>	<p>The given names of the 10 Cambridge Commons and their respective registration numbers as contained in the public register held in County Hall.</p>

<p>designed for throwing and catching, but does not include cricket;</p> <p>“boat” means any dinghy, canoe, sailboard, inflatable, yacht, motor boat or similar craft but not a model or toy boat;</p> <p>“self-propelled vehicle” means a vehicle other than a cycle, invalid carriage or pram which is propelled by the weight or force of one or more persons skating, sliding or riding on the vehicle or by one or more persons pulling or pushing the vehicle.</p>	
<p><b>PART 2</b></p> <p><b>ENVIRONMENTAL PROTECTION</b></p> <p><b>OF COMMON LAND</b></p>	
<p><b>Dumping and Removal of Substances</b></p> <p>2.1 No person shall, except with the consent of the Council, deposit or suffer to remain on any common land any rubbish, manure or other substance.</p> <p>2.2 No person shall, except with the consent of the Council, dig, cut, or take any turf, sods, stone, gravel, sand, clay, soil or other substance from any common land.</p> <p>2.3 Every person lawfully authorised to dig, cut, or take any turf, sods, stone, gravel, sand, clay, soil or other substance on or from the common land shall, with all due haste, effectually and properly fill up and make level every pit or hole.</p>	<p>Under s.20(c) of the <i>Cambridge University and Corporation Act 1894</i>, the Council may make byelaws for preventing or regulating the deposit of or suffering to remain on any part of the Common any rubbish manure or other substance. Comply with the <i>Refuse Disposal (Amenity) Act 1978</i> which legislates against dumping and fly tipping. Replaces 1851/80 byelaw 15.</p> <p>Under s.20(a) of the <i>Cambridge University and Corporation Act 1894</i>, the Council may make byelaws for preventing the digging or taking of turf loam stone sand gravel or other substances from the Common. Under s.17 of the <i>Countryside and Rights of Way Act 2000</i>, the Council may make byelaws for the prevention of damage to the land or anything on or in it. Reflects Defra Model Byelaw 20. Replaces 1851/80 byelaws 2, 8 and 13.</p> <p>Replaces 1851/80 byelaw 3.</p>
<p><b>Erection and Removal of Structures</b></p> <p>2.4 No person shall, except with the consent of the Council, erect, defile, remove, displace or deface any wall, fence, barrier, railing, post, pole, tent, booth, stand, seat, sign, notice board, ornament, ride, building or other structure within any common land.</p>	<p>Under Schedule 2 of the <i>Countryside and Rights of Way Act 2000</i>, a person is not entitled to be on any common land if, without reasonable excuse, he interferes with any fence, barrier or other device</p>

<p>2.5 Every person lawfully authorised to erect any structure for a limited time period shall, at or before the expiration of such period, take down and remove all such structure and effectually and properly fill up and make level every pit or hole.</p>	<p>designed to prevent accidents to people or to enclose livestock. Part 3 of the <i>Commons Act 2006</i> prohibits "restricted works" which include the erection of fencing, the construction of buildings and other structures, and the digging of ditches and trenches and the building of embankments. Damage is an offence under the <i>Criminal Damage Act 1971</i>. Reflects Defra Model Byelaws 4 and 19. Replaces 1851/80 byelaws 4, 7 and 13.</p> <p>Replaces 1851/80 byelaw 5.</p>
<p><b>Watercourses</b></p> <p>2.6 No person shall, except with the consent of the Council or Conservators, knowingly cause or permit the flow of any drain or watercourse on any common land to be obstructed or diverted, or open, shut or otherwise work or operate any sluice or similar apparatus.</p> <p>2.7 No person shall intentionally, carelessly or negligently foul or pollute any waterway comprised in any common land.</p>	<p>Under s.20(b) of the <i>Cambridge University and Corporation Act 1894</i>, the Council may make byelaws for preventing damage to any stream ditch or watercourse or to the banks thereof running by through or on the Common. Under Schedule 2 of the <i>Countryside and Rights of Way Act 2000</i>, a person is not entitled to be on any common land if he obstructs the flow of any drain or watercourse, or opens, shuts or otherwise interferes with any sluice-gate or other apparatus. Reflects Defra Model Byelaw 24. Replaces 1851/80 byelaw 7.</p> <p>Defra Model Byelaw 16.</p>
<p><b>Protection of Plants</b></p> <p>2.8 No person shall, except with the consent of the Council, remove, cut, fell or injure any plant, flower bed, shrub or tree growing on any common land.</p> <p>2.9 No person shall walk, run, ride or drive over any part of any common land set aside by the Council for the renovation of turf or for other landscaping</p>	<p>Under s.20(b) of the <i>Cambridge University and Corporation Act 1894</i>, the Council may make byelaws for preventing the injury or cutting of trees shrubs brushwood or other plants on the Common. Under Schedule 2 of the <i>Countryside and Rights of Way Act 2000</i>, a person is not entitled to be on any common land if he intentionally removes, damages or destroys any plant, shrub, tree or root or any part of a plant, shrub, tree or root. Reflects Defra Model Byelaw 20.</p> <p>Under s.20(e) of the <i>Cambridge University and Corporation Act 1894</i>, the Council may make byelaws for preventing or regulating</p>

<p>purposes and indicated by a notice conspicuously displayed.</p>	<p>riding or driving on the Commons. Under s.193 of the Law of Property Act 1925, the Minister can be asked to limit rights of access to common land so that it is not "injuriously affected, for conserving flora". Under Schedule 2 of the <i>Countryside and Rights of Way Act 2000</i>, a person is not entitled to be on any common land if he drives or rides any vehicle other than an invalid carriage. Under s.17 of the Act, the Council may make byelaws for the prevention of damage to the land or anything on it. Replaces 1851/80 byelaw 13.</p>
<p><b>Protection of Wildlife</b>  2.10 No person shall kill, injure, take, molest, or wilfully disturb any animal, bird or fish or take or injure any egg or nest or engage in hunting, shooting or fishing or the setting of traps or nets or the laying of snares on any common land. This byelaw shall not prohibit any fishing which may be licensed by the Environment Agency.</p>	<p>Under s.193 of the Law of Property Act 1925, the Minister can be asked to limit rights of access to common land so that it is not "injuriously affected, for conserving fauna". Under Schedule 2 of the <i>Countryside and Rights of Way Act 2000</i>, a person is not entitled to be on any common land if he engages in any operations of or connected with hunting, shooting, fishing, trapping, snaring, taking or destroying of animals, birds or fish or has with him any engine, instrument or apparatus used for hunting, shooting, fishing, trapping, snaring, taking or destroying animals, birds or fish. Under s.17 of the Act, the Council may make byelaws for the prevention of damage to the land or anything on or in it. Reflects Defra Model Byelaw 17.</p>
<p style="text-align: center;"><b>PART 3  CONDUCT OF PERSONS ON  COMMON LAND</b></p>	<p>Under s.15 of the <i>Commons Act 1876</i>, owners of rights of pasture may "make byelaws and regulations for the prevention of or protection from nuisances or for keeping order". Under s.20(g) of the <i>Cambridge University and Corporation Act 1894</i>, the Council may make byelaws for "the prevention of or protection from nuisances and for preservation of order". Under s.15 of the <i>Open Spaces Act 1906</i>, the Council may "make byelaws ... for the preservation of order and prevention of nuisances". Under s.235 of the <i>Local Government Act 1972</i>, the Council may "make byelaws for the good rule and government of the whole or any part of the district ... and for the prevention and suppression of nuisances therein". Under s.17 of the <i>Countryside and Rights of Way Act 2000</i>, powers exist to make</p>

	<p>byelaws "for the preservation of order" on common land. Defra expects byelaws to address, in general terms, behaviour which causes nuisance or danger to others. Violent and threatening behaviour is already covered under public order legislation.</p>
<p><b>Interpretation</b>  3.1 In this Part:  “model aircraft” means:  (a) a power-driven aircraft which either weighs between 500 grams and 7 kilograms without its fuel or  (b) a power-driven aircraft which weighs more than 7 kilograms and up to 20 kilograms without its fuel and is regulated by the Air Navigation Order, Clause 87 or  (c) a power-driven aircraft which weighs over 20 kilograms without its fuel and which is exempt from the Air Navigation Order.  “power-driven” means driven by the combustion of petrol vapour or other combustible vapour or other combustible and subject to the Code of Practice on Noise from Model Aircraft 1982.</p>	
<p><b>Annoyance</b>  3.2 No person shall wilfully obstruct, disturb, interrupt or annoy any other person in the proper use of any common land.</p>	<p>Under Schedule 2(r) of the <i>Countryside and Rights of Way Act 2000</i>, a person is not entitled to be on any common land if he "disturbs, annoys or obstructs any persons engaged in a lawful activity on the land". Replaces 1851/80 byelaws 22 and 24.</p>
<p><b>Noise</b>  3.3 No person shall, except when holding or taking part in any entertainment held with the consent of the Council, on any common land cause or permit to be made any noise which is so loud or so continuous or repeated as to give reasonable cause for annoyance to other persons.</p>	<p>Reflects Defra Model Byelaw 13.</p>
<p><b>Gates</b>  3.4 No person shall leave or force open any gate on any common land to which is attached, or near to which is displayed, a conspicuous notice stating that leaving the gate open is prohibited or to which is fitted a self-closing mechanism.</p>	<p>Under Schedule 2(o) of the <i>Countryside and Rights of Way Act 2000</i>, a person is not entitled to be on any common land if he "neglects to shut any gate or to fasten it where any means of doing so is provided, except where it is reasonable to assume that a gate is intended to be left open". Similar byelaw exists elsewhere.</p>

<p><b>Climbing</b> 3.5 No person shall, without reasonable excuse, climb any tree growing on or any wall or fence enclosing any common land.</p>	<p>Similar byelaw exists elsewhere.</p>
<p><b>Aircraft</b> 3.6 No person shall, except in case of emergency or with the consent of the Council, take off from or land upon any common land in an aircraft, helicopter, hang-glider or hot-air balloon.</p>	<p>Copies Defra Model Byelaw 1.</p>
<p><b>Camping</b> 3.7 No person shall, except with the consent of the Council, erect a tent or use a vehicle, caravan or any other structure on any common land for the purpose of camping, except in a designated area where camping is permitted.</p>	<p>Under s.193 of the <i>Law of Property Act 1925</i>, any person camping on common land shall be liable on summary conviction to a fine of £20. Under Schedule 2(s) of the <i>Countryside and Rights of Way Act 2000</i>, a person is not entitled to be on any common land if he engages in camping. Local authorities are empowered by sections 77-79 of the <i>Criminal Justice and Public Order Act 1994</i> to direct unauthorised campers to leave the land, and remove their vehicles and any other property. Byelaw-making authorities should be aware of the implications in this context of the <i>Human Rights Act 1998</i> and the <i>Race Relations (Amendment) Act 2000</i>. Copies Defra Model Byelaw 3.</p>
<p><b>Fires</b> 3.8 No person shall on any common land intentionally light a fire, except in a designated area set aside for the lighting or use of a properly constructed barbecue, camping stove or cooker and in such a manner as not to cause damage to the ground or danger to any person.</p>	<p>Under s.193 of the <i>Law of Property Act 1925</i>, any person lighting a fire on common land shall be liable on summary conviction to a fine of £20. Under Schedule 2(e) of the <i>Countryside and Rights of Way Act 2000</i>, a person is not entitled to be on any common land if he "lights or tends a fire or does any act which is likely to cause a fire". Reflects Defra Model Byelaw 5. Replaces 1851/80 Byelaw 16.</p>
<p><b>Urinating</b> 3.9 No person shall urinate or defecate on any common land, except in any public toilets provided thereon.</p>	<p>Similar byelaw exists elsewhere.</p>
<p><b>Metal detectors</b> 3.10 No person shall, except with the consent of the Council, on any common land use any device designed or adapted for detecting or locating any metal or mineral in the ground.</p>	<p>Under Schedule 2(k) of the <i>Countryside and Rights of Way Act 2000</i>, a person is not entitled to be on any common land if he "uses or has with him any metal detector". Copies Defra Model Byelaw 10.</p>

<p><b>Firearms and fireworks</b></p> <p>3.11 No person shall, without lawful authority, discharge any firearm, air weapon, fireworks or explosive on any common land.</p>	<p>Replaces 1851/80 byelaw 24. The <i>Firearms Act 1968</i>, the <i>Explosives Act 1875</i>, the <i>Health and Safety Act 1974</i>, the <i>Fireworks (Safety) Regulations 1997</i> (made under the <i>Consumer Protection Act 1987</i>), the <i>General Product Safety Regulations 1994</i>, the <i>Noise Act 1996</i> and <i>Fireworks Act 2003</i> cover this area.</p>
<p><b>Missiles</b></p> <p>3.12 No person shall wilfully, carelessly or negligently throw, kick, drive, pitch or use any missile on any common land which is liable to cause danger, discomfort, or injury to any other person.</p>	<p>Reflects Defra Model Byelaw 11. Replaces 1851/80 byelaw 24.</p>
<p><b>Kites and Model Aircraft</b></p> <p>3.13 No person shall on any common land fly or cause or permit to be flown any kite or model aircraft in such a manner as to cause a danger or annoyance to any other person.</p>	<p>All flying of model aircraft in the United Kingdom is controlled by Article 64 of the Air Navigation order, issued by the Civil Aviation Authority, which states that “A person shall not recklessly or negligently cause or permit an aircraft to endanger any person or property”. Copies Defra Model Byelaw 9. Reflects Defra Model Byelaw 12.</p>
<p><b>Horse riding</b></p> <p>3.14 No person shall ride any horse on any common land so as to cause danger or annoyance to any other person.</p> <p>3.15 No person shall ride a horse in any designated area that has been set apart by the Council as a place where horse riding is prohibited, except in the exercise of a lawful right or privilege.</p>	<p>Powers granted under s.20(e) of the 1894 Act. Similar byelaw exists elsewhere.</p>
<p><b>Feeding animals</b></p> <p>3.16 No person, except the owner or a person especially authorised by him in that behalf, shall offer food or drink of any kind to any animal depastured upon any common land.</p>	<p>Replaces 1969 byelaws 1, 2 and 4.</p>
<p><b>Dogs</b></p> <p>3.17 No person shall cause or suffer a dog belonging to him or in his charge to enter or remain on any common land unless such dog be and continue to be under proper control, and be effectually restrained by a short lead from causing annoyance to any person, and from worrying or disturbing any animal depastured upon any common land .</p> <p>3.18 Every person is expected to remove any faeces</p>	<p>Dog Control Orders can be made following the procedure prescribed in the <i>Dog Control Orders (Procedures) Regulations 2006</i>. Dog Control Orders do not need confirmation by the Secretary of State. Authorised officers of primary and secondary authorities can issue fixed penalties for Dog Control Order offences. The fixed penalty amount can be set between £50 - £80 and discounts may be</p>

<p>deposited on the common land by a dog belonging to him or in his charge.</p>	<p>offered for early payment. Upon conviction offenders may be fined up to a maximum of £1000.</p> <p>Defra would expect byelaws made under section 17 of the <i>Countryside and Rights of Way Act 2000</i> (in respect of land which is shown as open country or registered common land on a conclusive map issued by Natural England under section 9 of that Act) to be used as a last resort. This is because paragraphs 4 and 5 of Schedule 2 to the CROW Act already requires dogs to be kept on a short lead when on such land between 1 March and 31 July each year, and at all times when in the vicinity of livestock.</p>
<p><b>Litter</b> 3.19 No person shall deposit or abandon any refuse, rubbish, wood or soil on any common land.</p>	<p>The <i>Environmental Protection Act 1990</i>, the <i>Environment Act 1995</i> and the <i>Clean Neighbourhoods and Environment Act 2005</i> cover this. Replaces 1851/80 byelaw 15.</p>
<p><b>Notices</b> 3.20 No person shall, except with the consent of the Council, affix or cause to be affixed any advertisement, bill, placard or notice upon any building, wall, fence, gate, door, pillar, post, noticeboard, tree, rock or stone on or enclosing any common land.</p>	<p>Fly-posting is an offence under section 224(3) of the <i>Town and Country Planning Act 1990</i> and the <i>Highways Act 1980</i> making it a criminal offence to display an advertisement in contravention of regulations. Graffiti is covered under the <i>Criminal Damage Act 1971</i>. Nevertheless, it is common for local byelaws to prohibit the posting of any advertisement, bill, placard or notice upon any building, wall, fence, gate, door, pillar, post, noticeboard, tree, rock or stone on or enclosing any common land. Similar byelaw exists elsewhere.</p>
<p><b>Bathing</b> 3.21 No person shall, except with reasonable excuse, bathe or swim in any waterway comprised in any common land, except in a designated area where bathing and swimming is permitted.</p>	<p>Under Schedule 2(i) of the <i>Countryside and Rights of Way Act 2000</i>, a person is not entitled to be on any common land if he "bathes in any non-tidal water". Copies Defra Model Byelaw 2.</p>
<p><b>Life saving equipment</b> 3.22 No person shall, except in case of emergency, remove from, displace or otherwise tamper with any life-saving appliance provided by the Council on any common land.</p>	<p>Similar byelaw exists elsewhere.</p>

<p><b>Public shows, exhibitions and structures</b></p> <p>3.23 No person shall, except with the consent of the Council, place or take part in any show or exhibition or set up any swing, roundabout or other like thing on any common land.</p>	<p>Copies Defra Model Byelaw 18.</p>
<p><b>Trading</b></p> <p>3.24 No person shall, except with the consent of the Council, on any common land sell, or offer or expose for sale, or let to hire, or offer or expose for letting to hire, any service, commodity or article.</p>	<p>Under Schedule 2(t) of the <i>Countryside and Rights of Way Act 2000</i>, a person is not entitled to be on any common land if he "engages in any activity which is organised or undertaken (whether by him or another) for any commercial purpose". Copies Defra Model Byelaw 23.</p>
<p><b>PART 4</b></p> <p><b>GAMES ON COMMON LAND</b></p>	
<p><b>Games</b></p> <p>4.1 Where the Council has, by a notice placed in a conspicuous position on any common land, set apart an area for the playing of such games as may be specified in the notice, no person shall:</p> <ul style="list-style-type: none"> <li>(a) play in such an area any game other than the game for which it has been set apart;</li> <li>(b) use any such area so as to give reasonable grounds for annoyance to any person already using that area for any purpose for which it has been set apart; or</li> <li>(c) play any game so specified in any other part of the common land in such a manner as to exclude any person not playing the game from the use of that part.</li> </ul> <p>4.2 No person shall, in any area of any common land which may have been set apart by the Council for any game, play any game when the state of the common land or other cause makes it unfit for use and a notice is placed in a conspicuous position prohibiting play in that area.</p> <p>4.3 (i) No person shall on any common land play any game:</p> <ul style="list-style-type: none"> <li>(a) so as to give reasonable grounds for annoyance to any other person; or</li> <li>(b) which is likely to cause damage to any tree, shrub or plant.</li> </ul> <p>(ii) This byelaw shall not extend to any area set apart by the Council for the playing of any game.</p>	<p>Under s.20(d) of the <i>Cambridge University and Corporation Act 1894</i>, the Council may set "apart from time to time certain Commons or parts of Commons upon which persons may play games or hold athletic sports". Under s.3 of the <i>Cambridge City Council Act 1985</i>, the Council may "set apart any public open space or common ... for the purpose of games and recreation. Replaces 1851/80 byelaw 22. Copies Defra Model Byelaw 6.1</p> <p>Under s.3 of the <i>Cambridge City Council Act 1985</i>, the Council may "exclude the public and animals from the above space and facilities". Copies Defra Model Byelaw 6.2.</p> <p>Under s.3 of the <i>Cambridge City Council Act 1985</i>, the Council may "make byelaws for the preservation of order and good conduct among persons using the above space and facilities". Under Schedule 2 of the <i>Countryside and Rights of Way Act 2000</i>, a person should not intimidate, disturb, annoy or obstruct any games players. Copies Defra Model Byelaw 6.3.</p>

<p><b>Field sports</b></p> <p>4.4 No person shall throw or put any javelin, hammer, discus, or shot on any common land, except in connection with an event organised by or held with the consent of the Council or on land set aside by the Council for that purpose.</p> <p>4.5 No person shall engage in the sport of archery on any common land, except in connection with an event organised by or held with the consent of the Council.</p>	<p>Under s.20(d) of the <i>Cambridge University and Corporation Act 1894</i>, the Council may regulate athletic sports. Similar byelaws exist elsewhere.</p>
<p><b>Skateboarding, etc</b></p> <p>4.6 No person shall skate, slide or ride on rollers, skateboards or other self-propelled vehicles on any common land, except in a designated area for such activities and only then in such a manner as not to cause danger or give reasonable grounds for annoyance to other persons.</p>	<p>Under s.20(d) of the <i>Cambridge University and Corporation Act 1894</i>, the Council may regulate athletic sports. Similar byelaws exist elsewhere.</p>
<p><b>Boats</b></p> <p>4.7 No person shall sail or operate any boat, on any waterway comprised in any common land, except with the consent of the Council or Conservators.</p>	<p>Under Schedule 2(b) of the <i>Countryside and Rights of Way Act 2000s</i>, a person is not entitled to be on any common land if he "uses a vessel or sailboard on any non-tidal water". Similar byelaws exist elsewhere.</p>
<p><b>Children's play areas</b></p> <p>4.8 No person aged 12 years or over shall enter or remain in a designated area on common land which is a children's play area unless in charge of a child under the age of 12 years.</p> <p>4.9 No person aged 12 years or over shall use any apparatus stated to be for the exclusive use of persons under the age of 12 years by a notice conspicuously displayed on or near the apparatus.</p>	<p>Under s.20(d) of the <i>Cambridge University and Corporation Act 1894</i>, the Council may regulate the playing of games and set apart certain parts of common land upon which persons may play games. Similar byelaws exist elsewhere.</p>
<p style="text-align: center;"><b>PART 5 GRAZING ON COMMON LAND</b></p>	<p>Under s.6(2)(e) of the <i>Cambridge City Council Act 1985</i>, the Council may make byelaws for or in connection with their regulation of grazing on their common land.</p>
<p><b>Interpretation</b></p> <p>5.1 In this Part:</p> <p style="padding-left: 2em;">"commoner" means any person with rights of common which includes rights of sole or several herbage or pasture;</p> <p style="padding-left: 2em;">"consent to graze" means a written document issued by the Council which is addressed to a commoner and describes his grazing rights.</p>	

<p><b>Applications to graze</b></p> <p>5.2 No person shall, without the consent of the Council, permit any animal for which he is responsible to graze on the common land. Commoners wishing to exercise their grazing rights must register with the Council before the start of the grazing season on the first day of April each year.</p>	<p>Under s.6(2)(a) of the <i>Cambridge City Council Act 1985</i>, the Council may prescribe the procedure for the registration of commoners entitled to graze animals on the common land in the following grazing season. Replaces 1851/80 byelaws 10, 11, 12, 18, 19 and 20.</p>
<p><b>Registration</b></p> <p>5.3 The Council shall maintain a register in which shall be entered and kept an account of all animals to be turned on any common land. The Council may impose a reasonable charge for such registration.</p>	<p>Under s.6(2)(a) of the <i>Cambridge City Council Act 1985</i>, the Council may prescribe the procedure for the registration of commoners entitled to graze animals on the common land in the following grazing season and may make a reasonable charge for such registration. Replaces 1851/80 byelaw 17.</p>
<p><b>Consent to graze</b></p> <p>5.4 The Council will determine:</p> <ul style="list-style-type: none"> <li>(f) which commoners may graze their animals;</li> <li>(g) what number of animals they may graze and on which common land;</li> <li>(h) whether to impose a reasonable charge for the exercise of grazing rights.</li> </ul> <p>The Council will issue a consent to graze to successful applicants.</p>	<p>Under s.6(2)(b) and (c) of the <i>Cambridge City Council Act 1985</i>, the Council may determine which commoners may graze animals on the common land in the following grazing season, the number of animals each may graze, and whether to impose a reasonable sum for the exercise of grazing rights. Replaces 1851/80 byelaws 19 and 20.</p>
<p><b>Trespass</b></p> <p>5.5 An offence is committed by any person turning or placing on any of the common land any animal without having previously registered, received a consent to the exercise of grazing rights from the Council, and paid any associated charges.</p> <p>5.6 An officer of the Council may, after due warning, remove from the common land any animal placed thereon in contravention of byelaw 5.4. Such animals may be sold by the Council if they are not claimed and any fine paid.</p>	<p>Under s.6(2)(d) of the <i>Cambridge City Council Act 1985</i>, the Council may prohibit a person from grazing animals. Replaces 1851/80 byelaws 10, 11, 12 and 18.</p> <p>Under s.6(3) of the <i>Cambridge City Council Act 1985</i>, the Council may detain and sell any animal that is found grazing on the Common without its consent (in accordance with s.7 of the <i>Animals Act 1971</i>).</p>
<p><b>Diseased animals</b></p> <p>5.7 An offence is committed by any person who shall put or depasture upon any common land any animal having any infectious or contagious disorder or disease.</p>	<p>Replaces 1851/80 byelaw 1.</p>

**PART 6  
VEHICLES ON  
COMMON LAND**

Under s.15 of the *Commons Act 1876*, the Council may make byelaws for keeping order on its "regulated pasture". Under s.20(e) of the *Cambridge University and Corporation Act 1894*, the Council may make byelaws "preventing or regulating ... driving on the Commons and the roads and footpaths on the Commons". Under s.15 of the *Open Spaces Act 1906*, the Council may "... make byelaws ... for the preservation of order and prevention of nuisances" and may by such byelaws "impose penalties recoverable summarily" for infringements and "provide for the removal of any person infringing any byelaw". Under s.193 of the *Law of Property Act 1925*, any person who shall "draw or drive upon the [common] land a carriage, cart, caravan, truck, or other vehicle" may be made "liable on summary conviction to a fine not exceeding £20 for each offence". Under s.2 of the *Countryside and Rights of Way Act 2000*, a person's right of access to common land no longer applies if (according to Schedule 2) he "drives or rides any vehicle other than an invalid carriage". Under s.17 of the *Act*, the Council may make byelaws for the "preservation of order" and "prevention of damage to the land".

**Interpretation**

6.1 In this Part:

- "designated route" means a route in or through any common land which is set aside for a specified purpose, its route and that purpose to be indicated by notices placed in a conspicuous position;
- "motor cycle" means a mechanically-propelled vehicle, not being an invalid carriage, with less than four wheels and the weight of which does not exceed 410 kilograms;
- "motor vehicle" means any mechanically-propelled vehicle other than a motor cycle or an invalid carriage;
- "trailer" means a vehicle drawn by a motor vehicle and includes a caravan;
- "invalid carriage" means a vehicle, whether mechanically propelled or not,
  - (i) the unladen weight of which does not exceed 150 kilograms,
  - (ii) the width of which does not exceed 0.85 metres, and

<p>(iii) which has been constructed or adapted for use for the carriage of a person suffering from a disability, and used solely by such a person;</p> <p>"emergency vehicle" means any vehicle that is designated and authorised to respond to an emergency.</p>	
<p><b>Access</b></p> <p>6.2 No person shall, without Council authority, bring into or drive on the common land any motor cycle, motor vehicle or trailer, except in any part of the common land where there is a right of way for that class of vehicle. This byelaw shall not apply to:</p> <ul style="list-style-type: none"> <li>• the use by any vehicle of any designated route on the common land for the sole purpose of travelling to or from any property to which the common land affords the sole means of vehicular access;</li> <li>• invalid carriages; or</li> <li>• emergency vehicles.</li> </ul>	<p>Under s.34 of the Road Traffic Act 1988, a person is prohibited from driving a motor vehicle onto or upon any common land or footpath without lawful authority. Under the revised s.3 of the Act it is now possible to prosecute any person driving on common land without due care and attention, or without reasonable consideration for other persons.</p> <p>Under s.20(e) of the <i>Cambridge University and Corporation Act 1894</i>, the Council may make byelaws "preventing or regulating ... driving on the Commons and the roads and footpaths on the Commons". Under s.193 of the <i>Law of Property Act 1925</i>, rights of access to common land "shall be subject ... to any byelaw ... made thereunder or under any other statutory authority". Under Schedule 2 of the <i>Countryside and Rights of Way Act 2000</i>, a person is not entitled to be on any common land if he "drives or rides any vehicle other than an invalid carriage. Replaces 1851/80 byelaw 9.</p>
<p><b>Parking</b></p> <p>6.3 No person shall, without Council authority, leave or cause or permit to be left any motor cycle, motor vehicle or trailer on the common land. This byelaw shall not apply to any vehicle standing for up to 1 hour whilst servicing any property to which the common land affords the sole means of vehicular access.</p>	<p>Replaces 1851/80 byelaw 6.</p>
<p><b>Removal</b></p> <p>6.4 An officer of the Council may, after due warning, immobilise or remove from the common land any vehicle driven or left thereon in contravention of byelaws 6.2 or 6.3.</p>	
<p><b>PART 7</b></p> <p><b>MISCELLANEOUS</b></p>	

<p><b>Interpretation</b></p> <p>7.1 In this part:  "standard scale" means the level of fines as listed in section 17 of the <i>Criminal Justice Act 1991</i>:</p> <table border="0"> <thead> <tr> <th>Level on the scale</th> <th>Amount of fine</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>£200</td> </tr> <tr> <td>2</td> <td>£500</td> </tr> <tr> <td>3</td> <td>£1,000</td> </tr> <tr> <td>4</td> <td>£2,500</td> </tr> <tr> <td>5</td> <td>£5,000</td> </tr> </tbody> </table>	Level on the scale	Amount of fine	1	£200	2	£500	3	£1,000	4	£2,500	5	£5,000	
Level on the scale	Amount of fine												
1	£200												
2	£500												
3	£1,000												
4	£2,500												
5	£5,000												
<p><b>Obstruction</b></p> <p>7.2 No person shall wilfully obstruct, disturb or interrupt any officer of the Council or Constabulary in the proper execution of his duty or intentionally obstruct any person acting in accordance with a contract with the Council or Constabulary in doing proper and necessary work on any common land.</p>	<p>Reflects Defra Model Byelaw 14. Replaces 1851/80 byelaw 23.</p>												
<p><b>Penalty</b></p> <p>7.3 Any person offending against any of these byelaws shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.</p>	<p>Under s.15 of the <i>Open Spaces Act 1906</i>, the Council may "impose penalties recoverable summarily for the infringement" of byelaws. Under s.193 of the <i>Law of Property Act 1925</i>, "any person driving, camping or lighting a fire" on common land "shall be liable on summary conviction to a fine not exceeding £20 for each offence". Under s.237 of the <i>Local Government Act 1972</i>, byelaws can impose fines not exceeding level 2 on the standard scale. Copies Defra Model Byelaw 15. Replaces outdated fines given in the 1851/80 byelaws.</p>												
<p><b>Removal of offenders</b></p> <p>7.4 Any person offending against any of these byelaws may be removed from the common land by an officer of the Council or Constabulary.</p>	<p>Under s.15 of the <i>Open Spaces Act 1906</i>, byelaws may "provide for the removal of any person infringing any byelaw by any officer of the local authority or police constable"</p>												
<p><b>Savings</b></p> <p>7.5 It shall not be an offence under these byelaws for any officer of the Council or Constabulary in the proper execution of his duty or any person acting in accordance with a contract with the Council or Constabulary to do any proper and necessary work on any common land.</p> <p>7.6 Nothing in or done under any of the provisions of these byelaws shall in any respect prejudice or</p>	<p>Copies Defra Model Byelaw 22.</p> <p>Copies Defra Model Byelaw 22.</p>												

<p>injuriously affect any public right of way through the land, or the rights of any person acting legally by virtue of some estate, right or interest in, over or affecting the land or any part thereof.</p>	
<p><b>Repeal</b>  7.7 The byelaws made on the 23rd October 1851, on the 5th August 1880 and on the 20th of May 1969 are hereby revoked.</p>	<p>Repeal of 1851/80 byelaws means that byelaw 14 ("Every person who beats or shakes any carpet, rug, or mat on any of the Commons, except on Sheep's Green and that portion of Coe Fen lying near Stone bridge, and that portion of Midsummer Common lying beyond Butt Green, and in a line with Jesus Grove") and byelaw 21 ("Any person gambling, betting, or playing with cards, dice, or any other article on any Common") therein no longer constitute an offence. Under section 6(4) of the <i>Cambridge City Council Act 1985</i>, byelaws made by the Council on 23rd October 1851 and 5th August 1880 shall cease to have effect. Reflects Defra Model Byelaw 21.</p>

Given under the COMMON SEAL of  
CAMBRIDGE CITY COUNCIL this ... day of  
... 2009 in the presence of:

Head of Legal Services

The foregoing byelaws are hereby confirmed by the Secretary of State and shall come into operation on the ... day of ... 2009.

Signed by authority of the Secretary of State